

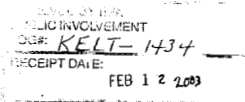
## *Tribes*



Cultural Resources Department  
Xalal'bx'

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The Tulalip Tribes are the successors in  
interest to the Snohomish,  
Snoqualmie, and Skykomish tribe  
and other tribes and band signator  
to the Treaty of Point Elliott



January 28, 2003

Mr. Ken Johnston  
Tribal Account Executive  
Department of Energy  
Bonneville Power Administration  
P.O. Box 491  
Vancouver, WA 98666-0491

Dear Mr. Johnston:

This is in response to your letter dated January 14, 2003-re: T-DITT-2 in King County, Washington.

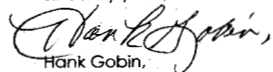
The position and concerns of the Tulalip Tribes are outlined in the following SOP's.

- 1434-001 1. Cultural Resources Office will be the point of contact for this project.
- 1434-002 2. We would ask that before any major construction be done at the project site:  
That you do a cultural and archaeological assessment before any work begins no matter how big or small the project.
- 1434-003 3. Whatever is being proposed that it does not adversely effect the natural resources in that area such as: timber, floral, faunas, i.e., adjacent to rivers and streams.
- 1434-004 4. Ethno botany, i.e., plants indigenous to the Puget Sound (pre-contact). We would like to see more time given to identifying indigenous plants @ project sites. To begin developing a profile of what types of plants that are still in existence that was indigenous to the environment, and after construction that any replanting is done with indigenous plants of the area.
- 1434-005 5. To protect our water resources and fisheries.
- 1434-006 6. That you only contact tribal representatives that are federally recognized, and that representatives have tribal jurisdiction in the area of your work project.

These SOP's should serve as our basic concerns when it comes to buildings and development projects in Snohomish, King and Island County.

We appreciate the opportunity of working with you on the project. This office would like to do periodic site visitations as the project progresses. Thank you.

Sincerely yours,

  
Hank Gobin,

Cultural Resources Manager

1434-001 Comments noted.

1434-002 BPA will do its best to minimize impacts to these resources.

1434-003 As a federal agency, BPA is required to comply with the Endangered Species Act, therefore, surveys would be conducted for rare and endangered plant species if their habitat could be found in the area. No rare or endangered plant surveys were conducted for the proposed project, since the habitat where these species are found is not present. The only other plant surveys that were conducted as a part of the proposed project was for undesirable plants, such as noxious weeds. BPA routinely conducts weed surveys before and after construction.

1434-004 and -005 BPA has proposed extensive mitigation to protect water resources and fisheries.

1434-006 BPA is working closely with representatives of the Snoqualmie and Muckleshoot tribes, both of whom are federally-recognized tribes. With respect to site visitations, BPA would be happy to take representatives of the Tulalip tribes to the site, and would do so, with the landowners permission.



# **MUCKLESHOOT CULTURAL RESOURCES PROGRAM**

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MAR 03 2003

February 28, 2003

Lou Driessen, Project Manager  
Department of Energy, Bonneville Power Administration  
PO Box 491  
Vancouver, Washington 98666-0491  
by fax to 503-230-3285

RE: T-DTITT-2 Kangley -Echo Lake Transmission Line Project

Mr. Driessen,

The Wildlife and Cultural Programs of the Muckleshoot Indian Tribe (MIT) appreciate the opportunity to submit the attached comments on the Supplemental Draft EIS for the Kangley - Echo Lake Transmission Line Project.

- 1487-001 The Cultural Resources Program has previously requested that BPA correct certain misrepresentation and inaccuracies that were identified in the HRA Cultural Resources Technical Report which supplements this SDEIS. We also requested that BPA republish the HRA report as corrected. The Tribe has notified BPA that Section 106 compliance is not complete for this project until the Area of Potential Effect (APE), including access roads and staging areas, is fully identified and surveyed for historic and cultural resources. Section 106 compliance must be completed while there is time to relocate such roads and areas if necessary to avoid adverse impacts. Comments on these matters and Appendix X, the Monitoring and Unanticipated Discovery Plan, have been previously submitted to BPA by letters dated February 3 and 13, 2003.
- 1487-002
- 1487-003 The Muckleshoot Tribe's Wildlife Program has worked for years to combat the adverse and cumulative toxic effects of noxious weed infestations located on or near, and directly attributable to, BPA transmission line corridors. Adverse impacts are especially severe on the elk and deer herds which the Tribe manages in the Cedar, Green, and White River drainages. Mitigation for this problem and restoration of appropriate native forage plants to benefit the health of the herds, will require a detailed program with clear commitment to management targets, effective timing of treatment, and funding resources. This will be especially important where herbicides are not an option for use in the Cedar River Watershed (CRW). The SDEIS puts forward general proposals and guidelines, but does not present specific analyses or a scientific, and detailed vegetation management plan that could effectively mitigate this problem.
- 1487-004
- 1487-005

1487-001 Comment noted.

1487-002 The report, including the Appendix D, Unanticipated Discovery Plan, is being revised in light of your comments. BPA will continue to consult with the Muckleshoot Tribe as required for Section 106 compliance and will conduct additional assessment of the access roads and staging areas. Consultation will be ongoing through the construction of this project, if BPA decides to build Alternative 1.

1487-003 and 004 Comment noted.

1487-005 BPA will continue to work with SPU and the Muckleshoot Tribe to develop a specific plan that meets the needs of all parties interested in providing forage plants while protecting the safety of the transmission line, should BPA decide to build Alternative 1.

1487-006, -007, -008, and -009 BPA does recognize the cultural importance of the CRMW to the tribe and provided for HRA to interview Muckleshoot tribal elders in coordination with tribal staff. HRA's cultural resource survey was thorough. BPA conducted many meetings with tribal members to understand the Tribe's concerns. See Appendix W. Meetings with the Tribe continue.

We also understand that future development within the CRMW is limited by the landowner, Seattle Public Utilities. Furthermore, we understand that currently three power line rights-of-way exist within the CRMW, two BPA rights-of-way and one Seattle Public Utilities right-of-way. The proposed project would be located adjacent to one of the existing BPA rights-of-way, thereby minimizing environmental impacts to the maximum extent possible.

With respect to the assertion that we have not analyzed the cumulative effects of the proposed project through the CRMW, we disagree. We have analyzed the cumulative effects of the proposed action for each resource area in the DEIS and the SDEIS. We have designed the proposed transmission line to avoid sensitive environmental resources where we could, span them where we could not avoid them, and offer compensatory

1487-006

1487-007

1487-008

1487-009

Throughout the SDEIS, and specifically in its discussions of treaty rights and trust responsibility, BPA does not take into account the unique cultural importance of the CRW for the Muckleshoot Tribe, or the implications of the unusual circumstances that will preserve the Watershed from most future development under Seattle Public Utility ownership. The cumulative impacts of the proposed second transmission line through this preserved area, rather than through more developed routes, have not been addressed in the SDEIS, nor is the BPA's trust responsibility to mitigate for such adverse and cumulative effects discussed. The disproportionate impacts on the Tribe are also a matter of Environmental Justice subject to the direction of Executive Order 12898.

1487-010

1487-011

1487-012

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In conclusion, BPA has a continuing duty to manage lands associated with this project over which it has authority, to assure that Tribal treaty rights are unimpaired. This duty includes the obligation to consult with and involve the Muckleshoot Tribe, and integrate BPA and Tribal co-management plans where decisions involve such issues as the harvest of trees, placement of wood in streams; culvert installation and maintenance; availability of wood for fuel and cultural purposes; planning for eradication of noxious weeds and selection of species for replanting, and designation of areas for treatment; for mitigation or for habitat replacement.

Please contact me at (360) 802-2202, extension 105 if you have any questions.

Sincerely,



Melissa Calvert, Director  
Muckleshoot Wildlife and Cultural Resource Programs

mitigation to mitigate for impacts that could not be avoided. We believe we have met our trust responsibilities

With respect to causing disproportionate impacts to tribal interest, as opposed to others, we also disagree. BPA has been meeting with the Muckleshoot Tribe on the proposed action for over three years. During this time, we have sought to find out if the proposed project would impact any traditional cultural properties (TCPs), and interviews with tribal elders were conducted. The information revealed that no TCPs would be affected. And to avoid impacts to other cultural resources such as plants or woody vegetation important to the Tribe that could neither be moved or harvested in advance of construction, we proposed to relocate the facilities (towers and access roads), as long as they would not be relocated from uplands to wetlands, and would not affect any angle points or the substation expansion area. Following the 45-day review period BPA gave the tribe to recommend relocating any of the proposed facilities, none were received.

Additionally, BPA's cultural resource contractor, with assistance from the Muckleshoot and Snoqualmie tribes, undertook a cultural resource survey of the proposed right-of-way, digging more than 1,170 holes looking for cultural resources. Only two potential resources were found, one an artifact related to the logging industry (metal spike) and the other, a trench, were discovered. Neither were of any cultural significance.

BPA wishes to continue to meet with the Muckleshoot Tribe in an attempt to meet our Trust responsibilities; however, we disagree that constructing the line along the proposed alignment would violate the Executive Order on Environmental Justice. BPA feels that it has considered this Executive Order during the environmental review, and feels that none of the alternatives analyzed would violate the intent of the Executive Order.

1487-010, -011, and 0-12 As stated above, BPA has initiated consultation with the Muckleshoot Tribe on this project, and we remain committed to continue to meet and consult with the Tribe on matters that concern them. BPA is developing a ROW management plan which is environmentally sensitive, and will leave woody debris in streams to benefit fish and other wildlife, to the extent practical. It will also involve use of native plant seeds. However, the majority of the proposed ROW occurs within the CRW, owned and managed by SPU. SPU adopted an

**MIT Cultural Resources Program SDEIS Comments, incorporating all prior written comments including those submitted 9/4/2001; 2/3/03 and 2/13/03:**

SDEIS citation, Page.	SDEIS text	Comment:
1487-020 Section 2.1.1.7 page 2-12	"BPA would install 9 gates".	Access restrictions affect Tribal resources management and exercise of treaty rights. MIT requests access of those areas behind gates that are owned by BPA; and BPA cooperation in obtaining access to lands owned by other entities.
1487-021		
1487-022 Summary Section S.3.11 page S-35 and Section 3.13 page 3-90 Cultural Resources	The probability for encountering prehistoric cultural resources along any of the alternatives varies by landform...and increases along the Cedar river and other water sources....There is also a high probability of encountering many historic-period cultural resources despite that fact that few recorded resources are in the immediate vicinity of the alternatives. . Many such resources have been identified in archival sources and maps, although few have been formally inventoried or even verified on the ground by cultural resource professionals."	This section does not accurately reflect the information contained in BPA's Cultural Resources Report regarding eligible and potentially eligible sites within the APE for the preferred project route. It also indicates that Section 106 compliance work was not initiated for any route except the proposed alternative.  The APE for the proposed route must also include access roads (Sec 2.1.1.5 page 2-10) and staging area locations that have not been identified (Sec 2.1.1.8 page 2-13) . Once identified, these should be surveyed, therefore Section 106 work is not completed for the preferred route.
1487-023		
1487-024		
1487-025		
1487-026 Section 4.12 Cultural Resources page 4-162, 163	"In general the Proposed Action contains the least	It is not possible to generalize about the

HCP for this watershed in April 2000, and any harvest of tress, and/or placement of wood, in streams or on the land, would be undertaken with the permission of the landowner.

1487-013, -014, -015, -016, and -017 No new fish culverts would need to be installed for the proposed project. However, BPA has agreed to correct problems associated with three existing culverts on its Raver-Echo Lake ROW, immediately adjacent to the proposed ROW. Prior to doing so, BPA would obtain the appropriate permits from the Army Corps of Engineers and will ensure that they meet the current Washington Department of Fish and Wildlife design criteria.

1487-018 and -019 Pursuant to tentative agreements reached with the U.S. Fish and Wildlife, through a biological consultation, and negotiations with the City of Seattle, BPA has agreed to purchase several tracts of land, to permanently protect those lands from development, and to allow them to be managed as wildlife habitat and for conservation purposes. See response to Comment 340-002.

1487-020 and -021 BPA is acquiring easement rights for access roads and the transmission line right-of-way, and does not have the authority to grant access to others. Anyone wanting to access private property must seek the permission of the underlying fee owner.

1487-022 and -023 HRA performed a thorough survey of the preferred route and located a logging feature and a trench feature, neither of which appears to be eligible for the National Register of Historic Places. The contractor has conducted further work at the trench feature, at the request of OAHF and the Muckleshoot Tribe. They found nothing significant. HRA performed background research and viewed the routes of the other alternatives to provide a professional opinion of their sensitivity for containing cultural resources.

1487-024 and -025 BPA will conduct a cultural resource assessment of proposed access roads off the previously surveyed ROW and will also survey the proposed staging areas if the areas have not been previously disturbed.

1487-026		number of culturally sensitive areas of all alternatives, with much of the route situated on moderate to steep slopes and with no cultural resource sites (formally inventoried or identified by archival research) occurring on or within its proposed ROW.	probability (for archaeological discovery) rating for this extensive linear route. While 2/3 of the lands within the proposed ROW may be steep slopes, 1/3 should be considered to have a high probability for cultural resources. The last sentence is incorrect, as at least two NR eligible or potentially eligible properties were identified within the ROW. (Rcf MIT letters to BPA of 2/3 and 2/13/03)
1487-027			
1487-028	Section 4.12.1 Impacts page 4-163., 164		Springs are also high probability indicator water sources as are historic berry fields, bogs, and camas swales
1487-029		"A few cultural resources have been identified within a mile of the route in this northern portion, but none of the sites have been formally inventoried or identified on the ground by trained cultural resources staff."	It appears that Section 106 requirements have not yet been completed for this area.
1487-030	Section 5.4 Heritage Conservation p. 5-8	"None of the previously recorded cultural resources sites occur on or near (within 700 feet) of the	The cultural Resources Technical Report acknowledges that the Cedar River Pack Trail is

1487-026 and -027 It is possible to generalize about the relative probability of the alternative routes for containing areas sensitive for the existence of cultural resources. It is true that the preferred route contains two cultural resources. HRA recommends both as being ineligible for the National Register of Historic Places and has conducted further investigation at one of the sites as requested by OAHP and the Muckleshoot Tribe.

1487-028 and -029 Comment on springs and other environmental features noted. BPA is not required to conduct detailed cultural resource surveys of all alternative routes.

1487-030 and -031 Comment noted. Construction of the preferred alternative would not adversely affect the CRPT.

1487-030		proposed BPA project area."	located within the ROW for the project, though located 800 feet from the nearest tower footing. The CRPT and other trails are historic properties and traditional cultural resources of importance to the tribes that historically utilized the Cedar River Watershed. See SPU's Draft CRMP page
1487-031			
1487-032			
1487-033			Mitigation measures consisting of leaving trees and vegetation along the river were identified to mask visual impacts from the trail route for the power lines above. The CRPT and other aboriginal trails in the CRW are traditional cultural resource that deserves further study including identification of the original route, and consideration for possible restoration as mitigation.
1487-034			
1487-035			
1487-036	Section 5.9 Environmental Justice page 5-27	"The alternatives would not adversely affect any minority or economically disadvantaged groups in the project area because they do not reside in the project area in large numbers, and are less than 5 percent of the total population"	We do not agree with this conclusion or BPA's analysis of Executive Order 12898. This project has the potential to cause the Muckleshoot Tribe disproportionate harm because of potential for adverse impacts because on its treaty and cultural resources and use areas, and access to treaty resources within the project
1487-037			
1487-038			

1487-032 The cultural resources assessment concluded that construction of the preferred alternative should not adversely affect the CRPT and that there were no other traditional cultural resources that would be affected.

1487-033 Comment noted.

1487-034 and -035 Construction of the preferred alternative is not expected to result in adverse effects to the CRPT.

1487-036, -037, and -038 It is unclear from the comment precisely what disproportionate impacts the writer is referring to. As stated above, the proposed alignment does not actually touch any land currently owned by the Muckleshoot Tribe. BPA also believes whatever Treaty rights the Tribe has now, before the proposed project would be implemented, will remain intact. As far as BPA can tell, the highest percentage of population of Native Americans (including all Native Americans, Eskimo and Aleut) that would be affected by any of the five alternatives is 1.07 percent (Alternatives B and D) of the affected population. Overall, as far as we can tell from the census data, the social and ethnic makeup of those persons most directly affected by the preferred alternative, those in greatest proximity to the project, are above-average income, non-minorities. In fact, the area has relatively few residences or businesses, and is more rural, or forested in nature than urbanized. The project is not located in an area inhabited by the underprivileged or minority populations. The project is not intended to benefit one segment of the population, or specific community, as a regional electrical distributor will benefit the general population of King County, the City of Seattle, and western Canada. As such, we believe the Tribe would share in the benefit of the project, as would the general population as a whole.

The cultural resources assessment stated that the proposed project would not adversely affect three previously identified resources located within the APE and proposed for listing in the National Register: the Cedar River Pack Trail; the Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way; and the Cedar River Cultural Landscape District.

1487-038		area.
1487-039	Section 5.20 Treaty rights and Trust Responsibility page 5-36	BPA's federal trust responsibility for treaty resources and traditional use areas is more than a duty of consultation. It involves protection, and mitigation of harms to those resources that are caused by agency actions. Muckleshoot has indicated various means throughout these comments and in meetings with BPA, to accomplish the trust responsibility.
1487-040		
1487-041		
1487-042		

**MIT Wildlife Program SDEIS Comments, also incorporating prior written comment submitted 9/4/2001:**

	SDEIS citation, Page #	SDEIS text	Comment
1487-043 1487-044	Section 2.1.1.7 page 2-12	"BPA would install 9 gates".	See above comment for Cultural Resources
1487-045	Pg. 4-8	Mitigation of construction impacts.	Impacts to calving and fawning animals should be considered and mitigated for by delaying or minimizing work during those times of the year that may cause the greatest harm.

1487-039, 040, -041, and -042 BPA agrees that as a federal agency, we have a general trust responsibility. As we have indicated in our negotiations with the Tribe, we want to continue to try to address concerns raised by the tribe, and will do so as long as those concerns are consistent with our other statutory duties and obligations.

The cultural resources assessment did not identify any cultural resources and use areas that would be adversely affected by the construction of the preferred alternative.

1487-043 and -044 See response to Comment Letter 405.

1487-045 Fawning and calving season for deer and elk occurs from March to June.

If the decision is made to build Alternative 1, construction would begin in August, after the fawning and calving season has ended.



1487-046

1487-047

1487-048

1487-049

1487-050

Pg 4-88, Section 4.7.3.6	"Manipulating low-growing vegetation and control of noxious weeds benefit forage for species such as deer and elk."	This discussion needs to be clarified and expanded. The creation of low growing vegetation habitats can produce several different effects, not all of which are beneficial to deer and elk. MIT is currently involved in a scientific study identifying quality and quantity of forage in the Green and White River Watersheds. BPA should assist the Tribe to develop innovative ways to create high quality deer and elk forage under transmission line ROW's.
Pg.4-110, 114; Section 4.8.2.4	"Proposed action has potentially high impacts from noxious weed colonization in disturbed areas."	It is unclear in the text and in Appendix K how this impact is specifically mitigated for where SPU prevents use of herbicides. No treatment plan is clearly specified as having yet been developed.

1487-046 and -047 BPA will continue to work with SPU and the Muckleshoot Tribe to develop a specific plan that meets the needs of all parties interested in providing forage plants while protecting the safety of the transmission line, should BPA decide to build Alternative 1.

1487-048 and -049 BPA is interested in reviewing MIT's study. BPA uses relevant information in developing vegetation management plans for BPA's ROWs. The MIT's suggestions for high quality deer and elk forage on BPA's ROWs are important input to the vegetation management process and will be studied. BPA will work with relevant parties to determine the best vegetation management plans.

1487-050 See response to Comment 1485-009 and 1487-006.

1487-051			BPA should adopt and implement an aggressive vegetation management program to limit colonization by non-native species regardless of whether or not such a program is also being carried out by adjoining landowners. The disturbance caused by the transmission line ROW is often the agent that allows the invasive species into an area. We believe BPA should take responsibility to keep all ROW's clear of noxious weeds.
1487-052			
1487-053	Appendix. K, Pg. 8	"Take full responsibility for controlling noxious weeds on fee-owned property."	See comment above. Those properties should be identified on a map, as well as identification of responsibility on those lands that are not fee owned.
1487-054			
1487-055	Appendix. P, Pg. 7	"...the project would require the long-term conversion of certain areas from managed forest to non-forest use."	Impacts from and mitigation for this action should be clearly delineated. A permanent commitment of resources has impacts not only locally, but also on other species within the vicinity of the project.
1487-056			
1487-057	Appendix P. Pg. 20	".. Alternative 1 would be constructed on an easement purchased by BPA and the substation expansion would be on land owned in fee by BPA."	Again, a map documenting BPA ownership and interests in lands involved in this project should be in the SDEIS.
1487-058	App. P, Pg. 26	"Implement aggressive vegetation management programs to limit the colonization of non-native species and eradicate noxious weeds."	Each vegetation management plan, as well as where it would be implemented, and the special program that would be implemented within SPU boundaries should be clearly defined.

1487-051 BPA (Snohomish Region) over the last 2 or 3 years has taken an active role in reducing the spread of noxious weeds, primarily Scotch broom. When soil is disturbed during vegetation maintenance activities we typically use grass seed on the disturbed areas. This is a direct result of a request to do so by the Muckleshoot Tribe. The State and County Weed Boards do not require the eradication of Scotch broom. It may not be feasible or cost effective to treat all areas if the surrounding landowners do nothing. Because of budget constraints, BPA needs to choose the potential areas, in consultation with tribes and landowners, where the desired results can be achieved.

1487-052 See response to Comment 1487-051.

1487-053 and -054 BPA has maps of fee-owned property and does take full responsibility for the control of noxious weeds on fee-owned property. However, as stated above under Comment 1487-051, if the surrounding landowners are not treating or trying to control the noxious weeds on their property, it may not be feasible or cost effective for BPA to do so. BPA would work with adjoining landowners where possible to gain control over noxious weeds in the area. BPA would like to work with the Muckleshoot Tribe to identify those areas that would result in the greatest benefit to treat.

1487-055 and -056 BPA is proposing to acquire land for compensatory mitigation for these impacts. See response to Comment 340-002.

1487-057 See revised Map 9.

1487-058 See response to Comment 1485-009 and 1487-006.